

REMARKS:

Summary of Claim Amendments and Pending Claims

Upon entry of the present amendment, claim 1 is amended. No new matter is added.

The originally filed specification and claims support the present amendments. By entry of the present amendment, claim 1 is pending and at issue, and claim 1 is an independent claims.

Applicants reserve the right to file continuation and/or divisional applications directed to subject matter canceled in claims 2 - 16.

The 35 U.S.C. §112(sixth paragraph) Rejections (New Grounds)

The Office Action rejected claim 1 under 35 U.S.C. §112(sixth paragraph) as not delineating a “mean” language. Applicants note the claims have been amended and the “mean” language has been removed. As such, the claims no longer invoke 35 USC 112 6th paragraph.

The 35 U.S.C. §103(a) Rejections

The Office Action rejected claims 1 - 12 under 35 U.S.C. §103(a) as being unpatentable over Ellinwood, Jr. (US 4146029) in view of Neftel (US5764159) in view of Martinez(US 6592519 B1) in further view of Applicant’s Own Admission. Applicants respectfully note that neither reference teaches the use of a time dependant estimate of drug remaining in the reservoir as is required by claim 1. Measuring actual amounts is not the same as estimating the amount in the reservoir. Accordingly, applicants request that claim 1 be allowed or in the alternative that claim 1 be finally rejected so applicants can re file and appeal.

Conclusion

In view of the above, Applicants submit that the application is now in condition for allowance and issue and respectfully request early action to that end. Applicants believe that no additional fees are due. However, should any fees be due, the Commissioner is hereby authorized to charge any fees in connection with this application and to credit any overpayments to Deposit Account No. 14-1447. The undersigned invites the Examiner to contact him/her by telephone if there are any questions concerning this amendment or application.

Respectfully submitted,

Date: August 20, 2010

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